

By Mrs. Sprague of Walpole, petition of Jo Ann Sprague, Lida E. Harkins and Marian Walsh for an investigation by a special commission (including members of the General Court) relative to the policies, practices and procedures of the Department of Mental Health and the vendors and providers for said department. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

RESOLVE PROVIDING FOR INVESTIGATIONS AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE POLICIES, PRACTICES, AND PROCEDURES OF THE DEPARTMENT OF MENTAL HEALTH AND ITS VENDORS AND PROVIDERS.

1 *Resolved*, That a special commission, to consist of the chairper-
2 sons of the Human Service Committee of the general court, a
3 designee of the Senate president, a designee of the speaker of the
4 House of Representatives, a designee of the governor of the Com-
5 monwealth, two designees of the attorney general, one designee of
6 the district attorney of Suffolk county, and four members of the
7 public who shall be selected on the basis of their training, knowl-
8 edge and/or experience, is hereby established to investigate and
9 study the policies, practices and procedures of the Department of
10 Mental Health and its vendors and providers, and the availability,
11 management and quality of treatment and services for the mentally
12 ill in the public and private sectors of the Commonwealth of
13 Massachusetts.

14 The mission of said commission shall include, but not be limited
15 to, investigations into the effectiveness of programs and procedures
16 dealing with mental illness in the Commonwealth, the quality of
17 said programs and procedures, the contracting and budgeting prac-
18 tices of the Department of Mental Health, the degree of adherence
19 to existing law and regulations, and the availability of facilities and
20 accommodations for the treatment of the mentally ill, with partic-
21 ular emphasis upon the kinds and quality of available treatment

22 resources. Said commission shall also study the processes by which
23 the Department of Mental Health awards contracts, the substantive
24 provisions of such contracts, and the Department's procedures and
25 practices for monitoring and evaluating the performance of such
26 contracts. The commission shall also determine whether the extant
27 laws, regulations, policies and procedures provide sufficient safe-
28 guards for meeting the needs and for protecting the rights and
29 interests of the mentally ill.

30 The commission shall be granted appropriate space, funding, and
31 clerical assistance necessary to carry out its mission.

32 In conducting its investigations the commission may (a) take
33 testimony under oath; (2) examine or cause to be examined any doc-
34 umentary material, books, papers, records, and other data which are
35 relevant to, or which may lead to information which is relevant to,
36 the commission's investigations; (c) require attendance during the
37 examination of such documentary material of any person having
38 knowledge of the documentary material and take testimony under
39 oath or acknowledgment with respect to any such documentary
40 material.

41 Notice of the time, place and cause of such taking of testimony,
42 examination or attendance shall be given in writing by the commis-
43 sion at least ten days prior to the date of such taking of testimony or
44 examination. No such notice shall contain any requirement which
45 would be unreasonable or improper if contained in a subpoena duces
46 tecum issued by a court of the Commonwealth; or require the dis-
47 closure of any documentary material which would be privileged, or
48 which for any other reason would not be required by a subpoena
49 duces tecum issued by a court of the Commonwealth. At any time
50 prior to the date specified in the notice, or within twenty-one days
51 after the notice has been served, whichever period is shorter, a supe-
52 rior court may, upon motion for good cause shown, extend such
53 reporting date or modify or set aside such demand, or grant a protec-
54 tive order in accordance with the standards set forth in rule 26(c) of
55 the Massachusetts Rules of Civil Procedure.

56 Said commission shall report to the general court the results of its
57 investigations and study, and its recommendations, together with the
58 drafts of such legislation as may be necessary to carry such recom-
59 mendations into effect, by filing the same with the clerk of the
60 house of representatives on or before the first Wednesday of March,